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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,870	02/25/2004	Murray Kutler		3639

7590 10/05/2005

LAW OFFICES OF ADAM H. JACOBS  
PATENT ATTORNEY  
SUITE 726  
1904 FARNAM STREET  
OMAHA, NE 68102

EXAMINER
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TRUONG, BAO Q

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/786,870

Applicant(s)

KUTLER, MURRAY

Examiner

Bao Q. Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 8 are objected to because of the following informalities:

Claim 1, "a fluorescent light bulb" in lines 10-11 and 15-16 should be changed to --the fluorescent bulb-- for consistency.

Claim 8, "a fluorescent light bulb" in lines 10-11 and 18-19 should be changed to --the fluorescent bulb-- for consistency.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vest [US 4,644,453] in view of Carmo [US 5,528,477].

Regarding claims 1 and 8, Vest discloses a support and enclosure structure for fluorescent light bulb having an elongated hollow tube [11], end cap means [51] to engage opposite ends of a fluorescent light bulb [12], mounting end cap means [13] and the tube [11] being constructed of generally rigid and transparent (figures 1-2). Vest does not clearly disclose the ventilation opening.

Carmo discloses a ventilation opening [124] on a tube [36] of a portable fluorescent light [20] (figure 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the hollow tube of Vest with the ventilation opening as taught by Carmo to release heat generated by the light bulb for purpose of providing an advantageous way of increasing lifetime of the light bulb.

Regarding claim 2, Vest discloses a cylindrical shape tube [11] (figure 1).

Regarding claim 3, Carmo discloses a longitudinally extended slot [124] (figure 2).

Regarding claim 4, Carmo discloses a plurality of holes [124, 330] (figure 2).

Regarding claim 7, Vest discloses mounting end cap means [13] (figures 1-2).

Regarding claim 9, Carmo discloses a mounting pin [40] and a wire slot for wire [42] (figures 1-2).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vest and Carmo in view of Darr [US 5,140,216].

Regarding claim 5, Vest discloses end cap means [51] with an external diameter approximately equal to the internal diameter of the hollow tube [11] and an electrode opening [41]. However, Vest does not disclose the end cap means having the outer flange.

Darr discloses end cap means [28, 33] having an outer flange (figures 2-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the end cap means of Vest by the outer flange as taught by Darr for purpose of providing an advantageous way of removing and assembling the end cap means to the hollow tube.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vest and Carmo in view of Shima [US 5,909,953].

Regarding claim 6, Vest discloses a hollow tube [11] and a wire [87, 88] running back along the hollow tube [11] (figure 2). However, Vest does not disclose the wire channel being formed on a surface of the tube.

Shima discloses a fluorescent lighting fixture having a wire channel [8] being formed on a surface of a tube [2] for receiving an electrical wire [6] (figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the hollow tube of Vest with the wire channel as taught by Shima to receive an electrical wire for purpose of providing an advantageous way of making an electrical wire hard to be seen while lighting the fluorescent light fixture.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875

A handwritten signature in black ink, appearing to read 'John Anthony Ward', with a stylized, cursive script.

**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**